

REMARKS

Claims 1, 3-15, 17-22, 24, 25, 27-29 and 31-33 remain pending in the application.

Claims 1, 3-15, 17-22, 24, 25 and 27-33 over Schmidt in view of Yoshinobu and Aoki

In the Office Action, claims 1, 3-15, 17-22, 24, 25 and 27-33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 6,160,585 to Schmidt et al. ("Schmidt") in view of U.S. Pat. No. 5,668,805 to Yoshinobu et al. ("Yoshinobu") in further view of U.S. Pat. No. 5,757,792 to Aoki ("Aoki"). As discussed in the previous Amendment filed on August 6, 2003, claim 30 is a canceled claim. Otherwise, the Applicant respectfully traverses the rejection.

Claims 1, 3-15, 17-22, 24, 25, 27-29 and 31-33 variously recite a **packetized**, digital **audio** broadcast (DAB) system, including a **unique local** identifying code in a header of **each** data **packet** relating to each local digital packetized audio information source.

The Examiner presents a disjointed array of art which is alleged to not only be combinable, but also to result in the invention if combined. The Applicant respectfully disagrees.

Schmidt teaches **streaming** digital **video**.

Yoshinobu teaches a conventional **analog video** signal with multiplexed local packet data.

Aoki teaches a digital **audio** transmitter.

Combining these three references hardly makes sense, and if a person of ordinary skill were to do so, would appear to result in a system that has a conflict between **streaming digital** and **analog** video, and which is transmitted by an **audio** transmitter. Nonsensical.

Schmidt teaches a conventional **streaming video** transmission system wherein video is passed through an analog multiplexer 14 (Fig. 1) that combines two **streaming video** data signals into a single **streaming video** data signal. (Schmidt, col. 2, lines 7-10) According to Schmidt, normal or baseline

video is streamed continuously by all receivers, while the streaming video signal for commercials may be multiplexed with the baseline streaming video signal. (Schmidt, col. 2, lines 19-23; 37-40; 51)

The present invention claims packetized local audio.

It is respectfully submitted that a person of ordinary skill in the art would NOT have looked to Schmidt in combination with multiple other references cited by the Examiner to build improved packetized audio techniques as claimed.

The Examiner attempts to cure the serious deficiency, not to mention the unrelated art-nature, of Schmidt, by citing col. 9, lines 40-46; 62-67 of Yoshinobu. Yoshinobu teaches a multiplex system wherein local data packet data is included in an analog video signal. (See, e.g., the discussion of a demodulated video signal, col. 1, lines 32-46) According to Yoshinobu, to limit the broadcasting area of sub-broadcasts, a district code is provided as part of program management data (Yoshinobu, col. 5, lines 12-23; Fig. 6) As shown in Fig. 6, program management data is transmitted only once. The discussion at col. 9, lines 41-47 do not differ from the disclosure in Fig. 6 of Yoshinobu, particularly since it is required by law that the element described at lines 62-67 of col. 9 be SHOWN as it is in Fig. 6 of Yoshinobu.

Neither Schmidt nor Yoshinobu disclose, teach or suggest transmission of a unique local broadcast identifying code contained in a header of each data packet transmitted by the local broadcast transmitter, as required by all pending claims of the present invention.

The Examiner cites a third reference Aoki for allegedly disclosing a digital transmitter. (Office Action at 3). However, as explained above, Aoki teaches an audio transmitter, which makes no sense with respect to the other two references which teach video transmission.

The combination of Aoki's digital audio transmitter, with Schmidt's video multicasting system, is non-sensical. Is the Examiner suggesting that Schmidt's video could be transmitted with Aoki's audio transmitter? This is combining apples and oranges. It is respectfully submitted that the alleged combination is improper.

Even if it were to be considered proper to combine Schmidt's video streaming system, with Yoshinobu's analog video with digital audio system, and Aoki's digital audio, it is respectfully submitted that the result STILL would not arrive at the claimed invention because NONE of the cited references teaches inclusion of a unique local broadcast identifying code contained in a header of each local data packet, as required by claims 1, 3-15, 17-22, 24, 25 and 27-33.

Neither Schmidt, Yoshinobu, nor Aoki, either alone or in combination, disclose, teach or suggest a unique local identifying code in a header of each data packet for that information source, as recited by claims 1, 3-15, 17-22, 24, 25 and 27-33.

Accordingly, for at least all the above reasons, claims 1, 3-15, 17-22, 24, 25, 27-29 and 31-33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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